

REMARKS

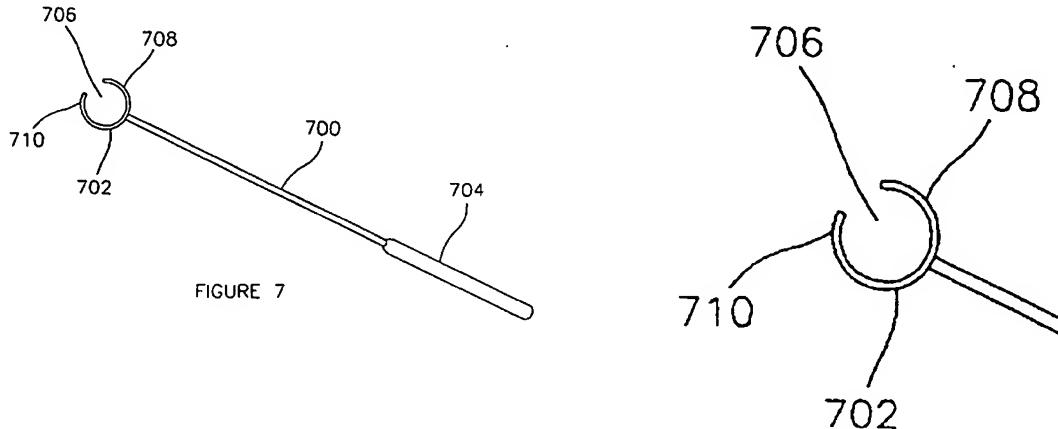
The above-referenced application has been reviewed in light of the Office Action dated May 16, 2007. Claims 1-10 and 12-15 are currently pending, claim 11 having been previously cancelled. By the present amendment, the Applicant has amended claims 1-8 and 12-15. It is respectfully submitted that these amendments add no new matter, are fully supported by the specification, and are allowable over the prior art of record. In view of the following remarks and arguments, prompt and favorable reconsideration and allowance of the pending claims are earnestly solicited.

The Office Action rejected claims 1-10 and 12-15 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,591,183 to Chin (hereinafter “Chin”) in view of U.S. Patent No. 5,480,379 to La Rosa (hereinafter “La Rosa”). Applicant respectfully submits that independent claims 1, 3, 5, and 7, as amended herein, are allowable over Chin in view of La Rosa as Chin in view of La Rosa fails to disclose or suggest each and every feature recited in independent claims 1, 3, 5, and 7. Accordingly, the rejection of independent claims 1, 3, 5, and 7 over Chin in view of La Rosa under 35 U.S.C. § 103(a) is respectfully traversed.

As amended, independent claims 1, 3, 5, and 7 each recite a method for harvesting, separating, or dissecting an artery comprising, *inter alia*, providing an instrument having a “long slender rod including first and second segments that define an obtuse angle therebetween” wherein the second segment includes “a first sideways hook and a second sideways hook, *the sideways hooks being spaced longitudinally from each other.*” (Emphasis added).

In contrast, Chin relates to a dissection instrument 700 having a shaft 704 with an open ring 702 attached thereto that includes respective first and second cutting edges 708, 710. In the Office Action, the first and second cutting edges 708, 710 were characterized as first and second

sideways hooks, respectively. Accordingly, the Office Action asserted that Chin discloses the methods recited in independent claims 1, 3, 5, and 7, but did not disclose a rod having first and second segments that define an obtuse angle therebetween. The Office Action relied on La Rosa for the disclosure of that concept and stated that the combination of Chin and LaRosa would have been obvious. As seen below in FIG. 7 and the corresponding enlargement, the asserted “first hook” 708 and the asserted “second hook” 710 are in fact different arc segments of the same ring structure 702 that are attached to shaft 704 at coincident points. Therefore, the arc segment 708 and the arc segment 710 disclosed in Chin are not “spaced longitudinally from each other” as recited in each of amended independent claims 1, 3, 5, and 7.



Accordingly, and for at least this reason, it is respectfully submitted that the combination of Chin and LaRosa fails to disclose or suggest each and every feature recited in independent claims 1, 3, 5, and 7. Therefore, it is respectfully submitted that claims 1, 3, 5, and 7, as amended, are allowable under 35 U.S.C. § 103(a) over Chin in view of La Rosa. As claims 2, 4, 6, 8-10, and 12-15 depend, directly or indirectly from claims 1, 3, 5, and 7, it is respectfully submitted that claims 2, 4, 6, 8-10, and 12-15 are also allowable under 35 U.S.C. § 103(a) over Chin in view of La Rosa.

In accordance with the foregoing remarks and arguments, reconsideration and allowance of the pending claims are earnestly requested. Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

Respectfully submitted,

Dana A. Brussel

Dana A. Brussel
Reg. No. 45,717
Attorney for Applicants

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road - Suite 225
Melville, New York 11747
Tel.: (631) 501-5713
Fax: (631) 501-3526

Send correspondence to:
Chief Patent Counsel
United States Surgical,
a Division of Tyco Healthcare Group LP
195 McDermott Road
North Haven, CT 06473